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GOOGLE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JENNY HOUTCHENS, et al.,  
  
Plaintiff,  
  
v.  
  
GOOGLE LLC,  
  
Defendant.

Case No. 5:22-cv-02638-BLF

**DECLARATION OF AUDREY J. MOTT-SMITH IN SUPPORT OF DEFENDANT GOOGLE LLC'S MOTION TO COMPEL ARBITRATION, OR, ALTERNATIVELY, MOTION TO DISMISS PLAINTIFFS' CLASS ACTION COMPLAINT AND REQUEST FOR JUDICIAL NOTICE**

Date: October 6, 2022  
Time: 9:00 a.m.  
Courtroom: 3  
Judge: Hon. Beth Labson Freeman

I, Audrey J. Mott-Smith, hereby declare as follows:

1. I am an attorney admitted to practice law in the State of California and before this Court. I am an associate at the law firm Cooley LLP, and counsel for Defendant Google LLC (“Google”). I have personal knowledge of the facts set forth below and, if called to testify, could and would testify competently thereto.

2. On June 14, 2022, Counsel for Google, including myself, telephonically met and conferred with Plaintiffs’ counsel and explained that Google intends to file a motion to compel arbitration in response to Plaintiffs’ Complaint. Following that conversation and subsequent correspondence regarding the timing for raising additional 12(b)(6) issues in response to Plaintiffs’ Complaint, I emailed Plaintiffs’ counsel on July 27, 2022 to confirm whether Plaintiffs would agree to voluntarily submit their claims to arbitration per the Parties’ agreement and dismiss this lawsuit in this Court. As of the date of filing this declaration, Plaintiffs’ counsel had not responded.

3. Attached hereto as **Exhibit D** is a true and correct copy of the American Arbitration Association’s (“AAA’s”) Commercial Arbitration Rules, as currently available from the AAA website at [http://www.adr.org/sites/default/files/CommercialRules\\_Web-Final.pdf](http://www.adr.org/sites/default/files/CommercialRules_Web-Final.pdf).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2022 in San Francisco, California.

Dated: June 30, 2022

COOLEY LLP

By: /s/ Audrey J. Mott-Smith  
Audrey J. Mott-Smith

Attorney for Defendant  
GOOGLE LLC

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